

**City of Beatrice Board of Health
December 11, 2020
Order 20-002**

WHEREAS, the City of Beatrice Board of Health finds and declares, based upon the scientific and medical evidence before it, that the Novel Coronavirus (COVID-19, also known as severe acute respiratory syndrome coronavirus 2, or “SARS-Cov-2”) has dramatically impacted the citizens of Beatrice, Nebraska; and

WHEREAS, exposure to COVID-19 presents a risk of death or serious long-term disability; the exposure is widespread and poses significant risk of harm, including death, to people in the general population of the City of Beatrice; there is a particular subset of the population that is more vulnerable to the threat and thus at an increased risk; and the threat is from a novel infectious disease; and

WHEREAS, information from the World Health Organization, the United States Centers for Disease Control and Prevention (“CDC”), Nebraska Department of Health and Human Services, Public Health Solutions, local public health departments throughout Nebraska, and members of the City of Beatrice and Gage County medical community indicates that citizens of the City of Beatrice have been and will continue to be exposed due to community transmissions of COVID-19; and

WHEREAS, the manner in which the spread of COVID-19 cases in the City of Beatrice has occurred creates an unacceptable risk to the health, safety, and welfare of the citizens of the City of Beatrice; and

WHEREAS, the number of COVID-19 infections within the City of Beatrice continues to increase; and

WHEREAS, COVID-19 constitutes a public nuisance and a threat to the health, safety, and welfare of the City of Beatrice; and

WHEREAS, the CDC, doctors and infectious disease experts from the University of Nebraska Medical Center and Nebraska Medicine have concluded that the wearing of face coverings by every individual while in public is one of the best methods to slow and stop the spread of COVID-19; and

WHEREAS, the wearing of face coverings by every individual while indoors in public places in the City of Beatrice will reduce community transmissions of COVID-19, resulting in fewer deaths, serious health complications, and will ease the strain on hospitals and other medical offices and facilities; and

WHEREAS, the wearing of face coverings by every individual while indoors in public places in the City of Beatrice will help keep businesses open and operating, encouraging economic growth, and preventing prolonged economic harm; and

WHEREAS, this ordinance is designated as an urgent measure necessary for the preservation of public health; and

WHEREAS, it is just and proper for the City of Beatrice Board of Health to exercise the authority granted to it by Neb. Rev. Stat § 16-238 in furtherance of protecting the public health, safety, and welfare.

THEREFORE, the following Board of Health regulations for Beatrice, Nebraska are hereby enacted and effective December 12, 2020 at 12:01 a.m. and continuing until January 15, 2021 unless renewed, extended, or terminated by subsequent order; all persons are ordered to comply as follows:

SECTION 1. Definitions – For the purposes of this Order, the following terms are defined as follows:

- (1) **Face Covering.** – A face covering is defined as a covering which, when worn properly, must cover the nose and mouth completely and can include a paper or disposable face mask, cloth face mask, scarf, bandana, neck gaiter, or a religious face covering. Medical-grade masks and respirators are sufficient face coverings, but to preserve adequate supplies, their purchase and use is discouraged for those who do not work in a health care setting or in other occupations that require medical-grade personal protective equipment. Masks that incorporate a valve designed to facilitate easy exhaling, mesh masks, or masks with openings, holes, visible gaps in the design or material, or vents are not sufficient face coverings because they allow exhaled droplets to be released into the air.
- (2) **Premises Open to the General Public.** – Premises open to the general public is broadly defined to include entities that employ or engage workers, including private-sector entities, public-sector entities, non-profit entities, regular commercial or business establishments, private clubs, religious centers or buildings, public transportation (including buses, taxis, or ride-sharing vehicles), and any place which is generally open to the public, including educational institutions and daycare facilities.

SECTION 2. Individual Facial Coverings Required – All individuals age five (5) and older shall wear a face covering over their mouth and nose while indoors in a premise open to the general public unless the individual maintains a minimum of six (6) feet of separation or social

distance at all times from anyone who is not a member of the individual's household, except face coverings will not be required if the individual:

- (1) Is seeking federal, state, or county services; or
- (2) Is seated at a bar, restaurant, or similar location while immediately consuming food or beverages; or
- (3) Is engage in an occupation preventing the wearing of a face covering; or
- (4) Is obtaining a service or purchasing goods or services that requires the temporary removal of the face coverings; or
- (5) Is asked to remove a face covering to verify an identity for lawful purposes; or
- (6) Is providing a speech, lecture, or broadcast to an audience so long as six (6) feet of distancing from other individuals is maintained; or
- (7) Cannot otherwise wear a face covering because of a medical condition, a mental health condition, or a disability that makes it unreasonable for the individual to wear a face covering.

Nothing in this section shall prohibit the owner or person in charge of a premises open to the general public from requiring an individual to wear a face covering during any of the circumstances enumerated above or from implementing a more restrictive face covering policy.

SECTION 3. Premises Open to the General Public – Duty to Require Facial Coverings –

Any individual or entity which maintains a premises open to the general public shall require all individuals age five (5) and older to wear a face covering over their mouth and nose while indoors in said premises, unless the individual maintains a minimum of six (6) feet of separation or social

distance at all times from anyone who is not a member of the individual's household, except face coverings will not be required if the individual:

- (1) Is seeking federal, state, or county services; or
- (2) Is seated at a bar, restaurant, or similar location while immediately consuming food or beverages; or
- (3) Is engage in an occupation preventing the wearing of a face covering; or
- (4) Is obtaining a service or purchasing goods or services that requires the temporary removal of the face coverings; or
- (5) Is asked to remove a face covering to verify an identity for lawful purposes; or
- (6) Is providing a speech, lecture, or broadcast to an audience so long as six (6) feet of distancing from other individuals is maintained; or
- (7) Cannot otherwise wear a face covering because of a medical condition, a mental health condition, or a disability that makes it unreasonable for the individual to wear a face covering.

Nothing in this section shall prohibit the owner or person in charge of a premises open to the general public from requiring an individual to wear a face covering during any of the circumstances enumerated above or from implementing a more restrictive face covering policy.

SECTION 4. Notice of Face Covering Requirements – Any individual or entity which maintains a premises that is open to the general public must post at least one (1) sign that is visible to all persons – including workers, customers, students, and visitors instructing them to wear face coverings as required by this Order.

SECTION 5. Exceptions – The provisions of this Order shall not apply to:

- (1) Courts of law; non-city public utilities; federal, state, or county operations; medical providers, facilities, or pharmacies; congregate living centers or facilities; group homes and residential drug and/or mental health treatment facilities; shelters for homeless persons; airport travel; election offices; polling places on an election day; or to residential dwelling units.
- (2) Children under the age of five (5). While children ages three (3) and four (4) may wear a face covering if that child can remove the face covering without assistance, guidance from the CDC states that children two (2) years old and under should never wear a face covering due to the risk of suffocation.
- (3) Federal and state activities. Nothing in this Order shall be construed to limit, prohibit, or restrict in any way the operations of the federal or state government or the movement of federal or state officials in the City while acting in their official capacity, including federal and state judicial, legislative, and executive staff and personal.
- (4) Individuals at their workplace when wearing a face covering would create a job hazard for the individual or others as determined by federal, state, or local regulators or workplace safety and health standards and guidelines.
- (5) Individuals who are alone or who are with only immediate family members in an office, room, a vehicle, the cab of heavy equipment or machinery, or an enclosed work area. In such situations, the individual and immediate family members should still carry a face covering to be prepared for person-to-person interactions.

- (6) Individuals who are seated at a desk or standing at a stationary workstation, provided that the desk or workstation has a solid Plexiglas or plastic barrier installed upon it which cannot be moved.
- (7) Individuals who are officiating at a religious service.
- (8) Individuals communicating with other individuals who are deaf or hard of hearing or who have a disability, medical condition, or mental health condition that makes communication with that individual while wearing a face covering difficult, provided that minimum social distancing of six (6) feet or more is maintained to the extent possible between persons who are not members of the same household.
- (9) Individuals who are engaged in activities such as swimming or showering, where the face covering will get wet.
- (10) Individuals who are exercising in an indoor business or indoor space such as a gym or fitness center, while the level of exertion makes it difficult to wear a face covering, provided that minimum social distancing of six (6) feet or more is maintained at all times.
- (11) Individuals in an indoor premise that is generally open to the public while playing a musical instrument that cannot be played when a face covering is worn, provided that a minimum social distancing of six (6) feet or more is maintained at all times.
- (12) Public safety workers actively engaged in a public safety role, including but not limited to law enforcement personnel, fire fighters, or emergency medical personnel, in situations where wearing a face covering would seriously interfere in the performance of the individual's public safety responsibilities.

(13) Participants in a sporting event, but only while they are playing the game, if the school or sponsoring organization does not require facial coverings, however, spectators, coaches, and non-participants would be required to wear facial coverings.

SECTION 6. Public Nuisance Declared – Any individual or entity which maintains premises open to the general public who fails to comply with the requirements of this Order is hereby declared to be a nuisance and a danger to the public health, safety, and welfare.

SECTION 7. Application – The provisions of this Order shall only apply to all persons and property within the corporate limits of the City of Beatrice and shall not extend into the two (2) miles extraterritorial jurisdiction of the City.

SECTION 8. Penalty – Any individual or person who is found to have violated any of the provisions of this Order shall be guilty a misdemeanor for each offense and shall be subjected to a fine of \$25.00. Each instance of violation of this Order may be considered a separate offense.

SECTION 9. Civil Abatement – In addition to any other penalty sought or obtained under this Order or other applicable law, the City Attorney may institute injunctive or other appropriate civil proceedings necessary to obtain compliance with this Order or to abate any nuisance resulting from violations of this Order.

SECTION 10. Sunset Provision – The requirements imposed by this Order shall expire and terminate at 11:59 p.m. on January 15, 2021, unless otherwise extended or earlier terminated by the City of Beatrice Board of Health.

SECTION 11. Conflicts – In the event of a conflict between the provisions of this Order and a Directed health Measure issued by the Nebraska Department of Health or by Public Health Solutions the provision providing the greatest protection for public health shall control.

SECTION 12. This order supersedes previous Order 20-001 and all previous motions made by the Beatrice Board of Health.

SECTION 13. The sections, subsections, paragraphs, sentences, clauses, and phrases of this Order shall be declared invalid, unenforceable, or unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unenforceability, or unconstitutionality shall not affect any of the remaining sections, subsections, paragraphs, sentences, clauses, or phrases of this Order.

ORDER PASSED AND ADOPTED this ____ day of December, 2020.

Chief Bruce Lang, Secretary

Stan Wirth, Chairperson